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10/749,653	12/31/2003	Kenneth A. Moss	MS306416.1	9390
27195 7590 01/11/2008 AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			EXAMINER HAMILTON, MATTHEW L	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/749,653

Applicant(s)

MOSS ET AL.

Examiner

Matthew L. Hamilton

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/26/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the initial filing filed on 31 December 2003.
2. Claims 1-33 are currently pending and have been examined.
3. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Information Disclosure Statement

4. The Information Disclosure Statement filed on 26 April 2004 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

Inventorship

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim Objections

6. Claim 32 is objected to because of the following informalities: it is dependent on claim 21. The examiner will assume claim 32 is dependent on independent claim 31. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 20 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "parallel listing" is unclear. For examination purposes, the Examiner interprets the term as additional enhancement options for the paid inclusion customer to use to increase the user's attention and increase revenue.

9. Claims 20-25, 28, 31 and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "subset listing" is unclear. For examination purposes, the Examiner interprets the term as captions or text or other enhancements placed below the main listing or search result.

10. Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "globally" is unclear. For examination purposes, the Examiner interprets the term as applying the enhancements over a network such as the internet.

Claim Rejections - 35 USC § 101

11. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

12. Claim 1 is rejected under 35 U.S.C. 101 because it is not statutory and the term "component" is defined in the specification as "a component may be, but is not limited to being a process running on a processor, a processor, an object, an executable, a thread of execution, a program, and/ or computer". A program, computer component, or computer structure is not statutory and is not given patentable weight. A program is functional descriptive material and is not capable of causing functional change in a computer. See MPEP 2106.01.

13. Claim 33 is rejected under 35 U.S.C. 101 because it is not statutory and data packet is interpreted as data. Data is considered non functional descriptive material and is not given patentable weight.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15. Claims 21, 23-25 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Rodriguez
US Publication 2004/0059720 A1.

Claim 21:

As per claim 21, **Rodriguez** teaches the method comprising:
providing a plurality of listings (paragraph 0026).
modifying at least a subset of listings according to one or more selected enhancement options
(paragraphs 0023 and 0024).
and rendering the plurality of listings based in part upon at least one of the one or more selected
enhancement options and user preferences (paragraphs 0023 and 0024).

Claim 33:

As per claim 33, **Rodriguez** teaches the data packet comprising:
information associated with providing a plurality of listings (paragraph 0026).
modifying at least a subset of listings according to one or more selected enhancement options
(paragraphs 0023 and 0024).
and rendering the plurality of listings based in part upon at least one of the one or more selected
enhancement options and user preferences (paragraphs 0023 and 0024).

Claim 23:

As per claim 23, **Rodriguez** teaches the method of claim 21 as described above and further teaches *further comprising modifying at least a subset of listings according to user preferences* (paragraphs 0023 and 0024).

Claim 24:

As per claim 24, **Rodriguez** teaches the method of claim 23 as described above and further teaches *wherein modifying at least a subset of listings according to user preferences overrides one or more selected enhancement options* (paragraphs 0023 and 0024).

Claim 25:

As per claim 25, **Rodriguez** teaches the method of claim 23 as described above and further teaches *wherein modifying at least a subset of listings according to user preferences personalizes one or more selected enhancement options to respective users* (paragraphs 0023 and 0024).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 1-2, 4, 7-12, 14-15, 19 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez US Publication 2004/0059720 A1 in view of Wen US Publication 2001/0047297 A1.

Claim 1:

As per claim 1, **Rodriguez** teaches the system comprising:

and an enhancement controller component that controls a plurality of enhancements, the enhancement controller component interfacing with the customer to facilitate optimizing enhancement selection based in part upon at least one of the following: listing performance, historical data, customer preference, and user feedback (paragraph 0023).

Rodriguez does not teach *a selection component that allows a paid inclusion customer to select one or more enhancements*. However, **Wen** teaches an advertisement brokering with remote ad generation system and method in a distributed computer network in paragraph 0002 and further teaches, "As described herein, an advertisement generation characteristic is data representing a portion (whether visual, audio, or other) of the advertisement which is influenced by the characteristic. Such

characteristics include the size, shape, color graphic, etc. available to the advertiser for selection" and "The advertiser selects certain "ad generation characteristics" to change the appearance or the presentation of the advertisement. As described herein, "ad generation characteristics" refer to varying ways an internet ad may be modified, as known in the art, such as adding color, text, etc." (paragraphs 0073 and 0074). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Rodriguez to add a component that allows a paid inclusion customer to select one or more enhancements. One would have been motivated to add a component that allows a paid inclusion customer to select one or more enhancements to allow the advertisers to highlight and distinguish listings from one another.

Claim 2:

As per claim 2, **Rodriguez** and **Wen** teaches the system of claim 1 as described above and **Rodriguez** further teaches *further comprising a display component operatively connected to the enhancement controller component for rendering one or more search results, the search results comprising at least one enhanced listing* (paragraphs 0023 and 0024).

Claim 4:

As per claim 4, **Rodriguez** and **Wen** teaches the system of claim 1 as described above and **Rodriguez** further teaches *one or more enhancements comprising at least one of the following: bolded listing; addition of a background to listing; alternative color of listing; addition of icon to listing (paragraph 0023); addition of "preferred listing" text to listing; addition of thumbnail to listing; at least partial animation of listing; alternative font type of listing; alternative font size of listing; stylized font of listing; play of sound when hovering over listing; and preferred location on display of listing.*

Claim 7:

As per claim 7, **Rodriguez** and **Wen** teaches the system of claim 4 as described above but do not teach *the alternative color of the listing is different from a standard color of the listings*. However, it would have been obvious to one of ordinary skill in the art at the time of the invention of Rodriguez to add an alternative color of the listing in order to highlight and capture the user's attention. It is old and well known to use different colors in advertisements in order for grab the attention of the prospective or targeted consumer.

Claim 8:

As per claim 8, **Rodriguez** and **Wen** teaches the system of claim 4 as described above and **Rodriguez** further teaches *the alternative color is based at least in part upon user preferences* (paragraph 0023).

Claim 9:

As per claim 9, **Rodriguez** and **Wen** teaches the system of claim 1 as described above and **Rodriguez** further teaches *the one or more enhancements do not influence determining whether enhanced listings are relevant to search query, thereby retaining ordering rights to keep listings relevant and meaningful to users* (paragraph 0042).

Claim 10:

As per claim 10, **Rodriguez** and **Wen** teaches the system of claim 1 as described above and **Rodriguez** further teaches *one or more enhancements facilitate differentiating enhanced listings from other listings on a search results display* (paragraphs 0023, 0024 and 0026).

Claim 11:

As per claim 11, **Rodriguez** and **Wen** teaches the system of claim 1 as described above and **Wen** further teaches *comprising one or more enhancement components which are controlled by the enhancement controller component and which correspond to a plurality of enhancements available to the paid inclusion customer* (paragraphs 0073 and 0074). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Rodriguez to add one or more enhancements controlled by enhancement controller component corresponding to enhancements available to paid inclusion customer. One would have been motivated to add one or more enhancements controlled by enhancement controller component corresponding to enhancements available to paid inclusion customer in order to provide the paid inclusion customer ability choose how the listing is displayed.

Claim 12:

As per claim 12, **Rodriguez** and **Wen** teaches the system of claim 1 as described above and **Rodriguez** further teaches *the user feedback comprising at least one of user hard-coded preferences and user behavior that facilitates customizing a manner in which the user views the listings* (paragraphs 0023 and 0024).

Claim 14:

As per claim 14, **Rodriguez** and **Wen** teaches the system of claim 1 as described above and **Rodriguez** further teaches *the enhancement controller component temporarily hides or suppresses one or more enhancements based at least in part upon user preferences* (paragraph 0023).

Claim 15:

As per claim 15, **Rodriguez** teaches the system comprising:
one or more enhancement components that correspond to one or more enhancement options
(paragraphs 0023 and 0024).

a listing control component that controls the one or more enhancement components (paragraphs 0023 and 0024).

and a second input component that provides the listing control component with user preferences (paragraphs 0023 and 0024), whereby the listing control component balances the customer's enhancement selections with user preferences to optimize listing performance (paragraphs 0022 and 0023).

Rodriguez does not teach *a first input component that provides the listing control component with a paid inclusion customer's enhancement selections*. However, **Wen** teaches an advertisement brokering with remote ad generation system and method in a distributed computer network in paragraph 0002 and further teaches, *"As described herein, an advertisement generation characteristic is data representing a portion (whether visual, audio, or other) of the advertisement which is influenced by the characteristic. Such characteristics include the size, shape, color graphic, etc. available to the advertiser for selection" and "The advertiser selects certain "ad generation characteristics" to change the appearance or the presentation of the advertisement. As described herein, "ad generation characteristics" refer to varying ways an internet ad may be modified, as known in the art, such as adding color, text, etc."* (paragraphs 0073 and 0074). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Rodriguez to add an input component that provides a paid inclusion customer's enhancement selections. One would have been motivated to add an input component that provides a paid inclusion customer's enhancement selections in order for the paid inclusion customer to customize the display of the listing.

Claim 19:

As per claim 19, **Rodriguez** and **Wen** teaches the system of claim 15 as described above and **Rodriguez** further teaches *the listing control component modifies one or more enhanced listings based at least in part upon a user's respective preferences on a per user basis* (paragraphs 0048 and 0049).

Claim 26:

As per claim 26, **Rodriguez** teaches the method of claim 21 as described above but do not teach *the one or more selected enhancement options are selected at least in part by respective paid inclusion customers*. However, **Wen** teaches an advertisement brokering with remote ad generation system and method in a distributed computer network in paragraph 0002 and further teaches, *"As described herein, an advertisement generation characteristic is data representing a portion (whether visual, audio, or other) of the advertisement which is influenced by the characteristic. Such characteristics include the size, shape, color graphic, etc. available to the advertiser for selection" and "The advertiser selects certain "ad generation characteristics" to change the appearance or the presentation of the advertisement. As described herein, "ad generation characteristics" refer to varying ways an internet ad may be modified, as known in the art, such as adding color, text, etc."* (paragraphs 0073 and 0074). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Rodriguez to add a component that allows a paid inclusion customer to select one or more enhancements. One would have been motivated to add a component that allows a paid inclusion customer to select one or more enhancements in order to allow the advertiser to highlight and distinguish listings from one another.

18. Claims 3, 5, 13, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez US Publication 2004/0059720 A1 in view of Wen US Publication 2001/0047297 A1 further in view of Petropoulos et al. US Patent 7,047,502 B2.

Claim 3:

As per claim 3, **Rodriguez and Wen** teaches the system of claim 1 as described above but do not teach *the selection component is at least one of a pointing device, a stylus, a keyboard, a mouse, a joystick, and a touchpad*. However, **Petropoulos et al.** teaches methods and apparatus for mouse-over preview of contextually relevant information in column 1, lines 16-23, and further teaches, "*Mouse pointer 52 is common pointer, as may be controlled by a standard mouse, trackball, keyboard pointer, touch screen or any user manageable device hereinafter the term "mouse pointer" is used in the broadest sense the context permits to refer to any one or more of these navigation tools*" (column 3, lines 52-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Rodriguez to add a selection component is at least one of a pointing device, a stylus, a keyboard, a mouse, a joystick and a touchpad. One would have been motivated to add a selection component is at least one of a pointing device, a stylus, a keyboard, a mouse, a joystick and a touchpad in order to input information to a computing system.

Claim 5:

As per claim 5, **Rodriguez and Wen** teaches the system of claim 4 as described above but do not teach *the one or more enhancements are visible when hovering over the respective listing*. However, **Petropoulos et al.** teaches methods and apparatus for mouse-over preview of contextually relevant information in column 1, lines 16-23; and further teaches, "*A feature of the current invention is that the user is shown preview information when the mouse pointer 52 navigates or passes over a defined area such as first defined area 60, second defined area 61, or other defined areas 62, 64, 66, 67, 68* (Hereinafter, the action of navigating or passing the mouse pointer over a region is referred to as a "mouse over")." and "*In one embodiment, upon a pre-defined placement or action of the pointer (e.g. mouse-over), instructions are sent to the user's web browser to automatically open an embedded preview window and render the relevant contextual information inline with the user's result*" (column 4, lines 1-7 and lines 10-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time of

the invention for Rodriguez to add one or more enhancements are visible when hovering over the respective listing. One would have been motivated to add one or more enhancements are visible when hovering over the respective listing in order to show information without the user clicking on the mouse or on listing.

Claim 13:

As per claim 13, **Rodriguez** and **Wen** teaches the system of claim 1 as described above but does not teach *further comprising a reporting component that provides reports comprising at least one of listing performance data, user feedback, historical data, and comparisons to historical data to the paid inclusion customer to facilitate optimizing revenues*. However, **Petropoulos** teaches methods and apparatus for mouse-over preview of contextually relevant information in column 1, lines 16-23, and further teaches, *"Preview information provides users with a tool to efficiently and thoroughly evaluate search prior to committing to a click through. There are aspects of the users evaluation processes that may be useful in factoring how well the search result matched the query for any particular user and query. Referring to FIG. 6, a client system 657 may be configured to monitor the keystrokes, mousing and related timing for a user reviewing a search results page that was generated elsewhere on the network and viewed on the client system 657. The results of the monitoring (or other attributes) may then be sent across the network to the either the search provider or the owner of the web page hosting the search"* (column 11, line 65 to column 12, line 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Rodriguez to add a reporting component that provides reports comprising at least one of listing performance data, user feedback, historical data, and comparisons to historical data to the paid inclusion customer to facilitate optimizing revenues. One would have been motivated to add a reporting component that provides reports comprising at least one of listing performance data, user feedback, historical data, and comparisons to historical data to the paid inclusion customer to facilitate optimizing revenues in order to improve the search results and provide user an efficient method to search information.

Claim 16:

As per claim 16, **Rodriguez** and **Wen** teaches the system of claim 15 as described above but do not teach *a monitoring component that monitors at least one of user behavior and user responses to listings with or without enhancements to facilitate assessing implicit user preferences*. However, **Petropoulos** teaches methods and apparatus for mouse-over preview of contextually relevant information in column 1, lines 16-23, and further teaches, *"The invention contemplates that there is monitoring while the user evaluates the results page. More particularly, the invention contemplates that there is monitoring of any or all of the following: (i) which result is being previewed by order or rank, (ii) the length of each preview, (iii) the order of previewing, (iv) the number of results previewed per page, and (v) whether there is a click-through. These attributes of the user behavior may be forwarded across the network to a program-designated place and later used in a consideration process, which will lead to conclusions about relevance of the results originally presented. These conclusions can be used to alter the algorithm and/or data so that the same or similar queries will yield more relevant results"* (column 12, lines 22-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Rodriguez to add a monitoring component that monitors user behavior and user responses to listings with or without enhancements. One would have been motivated to add a monitoring component that monitors user behavior and user responses to listings with or without enhancements in order to study and gather information regarding user and search result.

Rodriguez and **Wen** do not teach *and a reporting component that provides reports to respective paid inclusion customers regarding their respective listings and performance thereof*. However, **Petropoulos** teaches methods and apparatus for mouse-over preview of contextually relevant information in column 1, lines 16-23, and further teaches, *"Preview information provides users with a tool to efficiently and thoroughly evaluate search prior to committing to a click through. There are aspects of the users evaluation processes that may be useful in factoring how well the search result matched the query for any particular user and query. Referring to FIG. 6, a client system 657 may be configured to monitor the*

keystrokes, mousing and related timing for a user reviewing a search results page that was generated elsewhere on the network and viewed on the client system 657. The results of the monitoring (or other attributes) may then be sent across the network to the either the search provider or the owner of the web page hosting the search" (column 11, line 65 to column 12, line 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Rodriguez to add a reporting component that provides reports to respective paid inclusion customers. One would have been motivated to add a reporting component that provides reports to respective paid inclusion customers in order to gather data regarding search results.

Claim 17:

As per claim 17, **Rodriguez, Wen and Petropoulos** teaches the system of claim 16 as described above and **Rodriguez** further teaches *the monitoring component operatively connected to the listing control component to facilitate balancing the customer's enhancement selections with implicit user preferences* (paragraphs 0022 and 0023).

Claim 18:

As per claim 18, **Rodriguez, Wen and Petropoulos** teaches the system of claim 17 as described above and **Rodriguez** further teaches *the listing control component stores user preferences including implicit user preferences and hard-coded preferences in one or more databases* (paragraphs 0048 and 0049).

19. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez in view of Petropoulos et al. US Patent 7,047,502 B2.

Claim 22:

As per claim 22, **Rodriguez** teaches the method of claim 21 as described above but do not teach *further comprising reporting performance of at least a subset of rendered listings to respective paid inclusion customers to facilitate optimizing listing performance and revenues*. However, **Petropoulos** teaches methods and apparatus for mouse-over preview of contextually relevant information in column 1, lines 16-23, and further teaches, "Preview information provides users with a tool to efficiently and thoroughly evaluate search prior to committing to a click through. There are aspects of the users evaluation processes that may be useful in factoring how well the search result matched the query for any particular user and query. Referring to **FIG. 6**, a client system **657** may be configured to monitor the keystrokes, mousing and related timing for a user reviewing a search results page that was generated elsewhere on the network and viewed on the client system **657**. The results of the monitoring (or other attributes) may then be sent across the network to the either the search provider or the owner of the web page hosting the search" (column 11, line 65 to column 12, line 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Rodriguez to report performance of at least a subset of rendered listings to respective paid inclusion customers. One would have been motivated to report performance of at least a subset of rendered listings to respective paid inclusion customers in order to gather data regarding search results.

20. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez in view of Wen US Publication 2001/0047297 A1 further in view of Johnson US Publication 2002/0107847 A1.

Claim 20:

As per claim 20, **Rodriguez** and **Wen** teaches the system of claim 15 as described above but do not teach *the listing control component generates a plurality of parallel listings wherein at least a subset of the listings have respectively different enhancements to assist the paid inclusion customer in optimizing listing performance and revenues*. However, **Johnson** teaches a method and system for visual internet search engine in paragraph 0002, and further teaches "Each results database records contains the URL,

textual data about the indexed HTML document, and a snapshot and representative images taken from the indexed HTML document. The snapshot and representative images taken from the indexed HTML document may be placed in the results HTML document. The textual description may be placed in the results document as well." and figure 10 shows a thumbnail next to search result. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Rodriguez to generate a plurality of parallel listings wherein at least a subset of the listings have different enhancements. One would have been motivated to generate a plurality of parallel listings wherein at least a subset of the listings have different enhancements in order to capture the user's attention to click on listing and increase revenue.

21. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez in view of Johnson US Publication 2002/0107847 A1.

Claim 27:

As per claim 27, **Rodriguez** teaches the method of claim 21 as described above but do not teach *one or more enhancements comprising at least one of:*

bolding at least a portion of listing;

adding a background to at least a portion of listing;

changing text color of listing to an alternative color different from a standard listing color;

altering text font of listing to be different from a standard listing font;

increasing font size of listing greater than standard listing font size;

animating at least a portion of listing (paragraph 0076);

dynamically replacing at least a portion of listing with at least one search term;

adding a thumbnail to the listing corresponding to some content of the listing. However, **Johnson** teaches a method and system for visual internet search engine in paragraph 0002, and figure 10 shows a thumbnail next to search result. Therefore, it would have been obvious to one of ordinary skill in the art at

the time of the invention for Rodriguez to add a thumbnail to the listing. One would have been motivated to add a thumbnail to the listing in order to provide the user a visual presentation of the listing.

replacing listing text with a thumbnail that is representative of the content in the listing;

adding an icon to the listing that indicates a preferred status of the listing;

positioning the listing apart from other listings while retaining ordering rights based on relevance of listing with respect to search query.

Claim 28:

As per claim 28, **Rodriguez** and **Johnson** teaches the method of claim 27 as described above and **Rodriguez** further teaches *globally applying the one or more enhancements to at least a subset of listings* (paragraphs 0023 and 0024).

22. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez US Publication 2004/0059720 A1 in view of Wen US Publication 2001/0047297 A1 further in view of Vijayan et al. US Patent 6,535,888 B1.

Claim 6:

As per claim 6, **Rodriguez** and **Wen** teaches the system of claim 4 as described above but do not teach *at least a portion of the listing is bolded*. However, **Vijayan** teaches a method and system for providing a visual search directory in column 1, lines 6-11 and in Fig. 2N shows portion of the listing is bolded. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Rodriguez to at least bold a portion of the listing. One would have been motivated to at least bold a portion of the listing to attract the consumer.

23. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez US Publication 2004/0059720 A1 in view of Shultz et al. 2003/0061211 A1.

Claim 29:

As per claim 29, **Rodriguez** teaches the method of claim 21 as described above but do not teach *one or more enhancements are sensitive to at least one of cultural, time zone, and regional differences to mitigate offensive listings*. However, **Shultz** teaches a GIS based search engine in paragraph 0003 and further teaches, "In yet another aspect of the present invention, the method may also include: identifying multiple search results corresponding to the specified *geographic area*, and sorting the search results utilizing at least one sorting criterion selected from the group comprising: distance from a selected geographic location, time, price, and alphabetical order, and wherein the query is at least one entity criterion chosen from the group comprising name, brand name, product type, product category, service name, service category, business name, event, event forum, price, time, and/or combinations thereof." (paragraph 0018). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention of Rodriguez for one or more enhancements are sensitive to cultural, time zone and regional differences. One would have been motivated for one or more enhancements are sensitive to cultural, time zone and regional differences in order to provide information related to geographical region and time zone.

24. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez US Publication 2004/0059720 A1 in view of Johnson US Publication 2002/0107847 A1 further in view of Petropoulos US Patent 7,047,502 B2.

Claim 30:

As per claim 30, **Rodriguez** and **Johnson** teaches the method of claim 27 as described above but do not teach *further comprising hovering a pointing device over rendered enhanced listing to visualize enhancement*. However, **Petropoulos et al.** teaches methods and apparatus for mouse-over preview of contextually relevant information in column 1, lines 16-23, and further teaches, "A feature of the current invention is that the user is shown preview information when the mouse pointer **52** navigates or passes over a defined area such as first defined area **60**, second defined area **61**, or other defined areas **62**, **64**,

66, 67, 68 (Hereinafter, the action of navigating or passing the mouse pointer over a region is referred to as a "mouse over")." and *"In one embodiment, upon a pre-defined placement or action of the pointer (e.g. mouse-over), instructions are sent to the user's web browser to automatically open an embedded preview window and render the relevant contextual information inline with the user's result"* (column 4, lines 1-7 and lines 10-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Rodriguez to add a pointing device over rendered enhanced listing to visualize enhancement. One would have been motivated to add a pointing device over rendered enhanced listing to visualize enhancement in order to provide the user a graphical illustration of the listing.

Claim 31:

As per claim 31, **Rodriguez** teaches the method comprising:
enhancing at least a first subset of listings with at least a first enhancing at least a second subset of listings with at least a second enhancement, the second enhancement being different from the first enhancement (paragraphs 0023 and 0024)

Rodriguez does not teach *generating a plurality of parallel listings*. However, **Johnson** teaches a method and system for visual internet search engine in paragraph 0002, and further teaches *"Each results database records contains the URL, textual data about the indexed HTML document, and a snapshot and representative images taken from the indexed HTML document. The snapshot and representative images taken from the indexed HTML document may be placed in the results HTML document. The textual description may be placed in the results document as well."* and figure 10 shows a thumbnail next to search result. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Rodriguez to generate a plurality of parallel listings. One would have been motivated to generate a plurality of parallel listings in order to capture the user's attention and increase revenue.

Rodriguez and **Johnson** do not teach *and reporting at least one of performance, user historical data, and user behavior with respect to the first and second subsets of listings to respective paid inclusion customer to optimize listing performance and revenues*. However, **Petropoulos** teaches methods and apparatus for mouse-over preview of contextually relevant information in column 1, lines 16-23, and further teaches, *"Preview information provides users with a tool to efficiently and thoroughly evaluate search prior to committing to a click through. There are aspects of the users evaluation processes that may be useful in factoring how well the search result matched the query for any particular user and query. Referring to FIG. 6, a client system 657 may be configured to monitor the keystrokes, mousing and related timing for a user reviewing a search results page that was generated elsewhere on the network and viewed on the client system 657. The results of the monitoring (or other attributes) may then be sent across the network to the either the search provider or the owner of the web page hosting the search"* (column 11, line 65 to column 12, line 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for **Rodriguez** report at least one of performance, user historical data, and user behavior with respect to the first and second subsets of listings. One would have been motivated to report at least one of performance, user historical data, and user behavior with respect to the first and second subsets of listings in order to gather data regarding search results.

Claim 32:

As per claim 32, **Rodriguez**, **Johnson** and **Petropoulos** teaches the method of claim 31 as described above and **Rodriguez** further teaches *further comprising optimizing delivery of listings based at least in part upon at least one of the following: a user point of entry comprising a web-based entry and a user-application entry, time of day, and display device* (paragraphs 0023 and 0024).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L. Hamilton whose telephone number is (571) 270-1837. The examiner can normally be reached on Monday-Friday 7:30a.m-5p.m EST alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

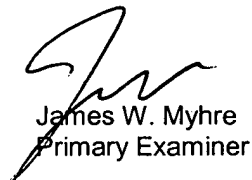
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Matthew Hamilton

Patent Examiner

January 7, 2008



James W. Myhre
Primary Examiner